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# Inter-American Bar Association

J. O. Dahlgren

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## INTER-AMERICAN BAR ASSOCIATION

JOHN O. DAHLGREN

*Secretary-General*

*Inter-American Bar Association*

### IABA COUNCIL MEETING

The Council of the Inter-American Bar Association will meet in Cartagena, Colombia, October 9 to 12, 1970, with the *Colegio de Abogados de Bolivar* as the host association. A large attendance is anticipated at this meeting during which many important matters will be considered. Among others, after giving consideration to all invitations received from the National Bar Associations, the Council will decide the new site for the XVII Conference in 1971 and a new President of IABA will be designated from the country where the Conference will be held. Topics to be considered by Committees, as well as the Central Theme for the XVII Conference, will be selected and Chairmen and Co-Chairmen of Committees and Sections will be appointed. Several Committees will be meeting in Cartagena at the same time. All members of the Association are welcome to attend the Council and Committee meetings.

The Opening Session will be in the evening of Friday, October 9. The working sessions are scheduled for all day Saturday and Sunday and the Closing Session will take place at the *Colegio de Abogados de Bolivar - Casa del Abogado* — on Sunday October 11, at 8:00 p.m. On Monday morning there will be dedicated a commemorative plaque of IABA at "Avenida of the Americas", followed by a visit and luncheon at Boca-chica, a bay resort.

The Hotel del Caribe will be the headquarters for the meeting.

Further information may be obtained by writing to IABA Headquarters Office, 1730 K Street, N.W., Washington, D.C. 20006.

### INTER-AMERICAN ACADEMY OF INTERNATIONAL AND COMPARATIVE LAW

A meeting of the Curatorium of the Academy is also scheduled to be held during the Council meeting of IABA in Cartagena. The Curatorium is composed of the Council of the Inter-American Bar Association and the Academicians.

The Inter-American Academy of International and Comparative Law was founded by IABA in Havana, Cuba, in 1941, as a permanent adjunct to the Association. Since 1943 its site has been Lima, Peru.

## XVI CONFERENCE RESOLUTIONS

The June 1970 issue of the *Lawyer of the Americas* listed the text of the resolutions adopted by Committees I through XVII at the XVI Conference held in Caracas in November, 1969. The following corrections to the June issue are in order, (1) at page 313, the Committee on Criminal Law and Procedure should be shown as the VIII Committee; (2) at page 323, the words COMMITTEE XVII - MILITARY LAW should precede the line now reading "Resolution 46 on Indirect Aggression as a Crime resolves:"

This issue covers the resolutions of the remaining committees and those approved by the new council.

### COMMITTEE XVIII — HUMAN RIGHTS

Resolution 49 on an American Convention on Human Rights resolves:

1. To express its confidence that the Specialized Inter-American Conference on Human Rights called by the Organization of American States to meet in Costa Rica on November 7-22, 1969, will approve the Inter-American Convention of Human Rights, including the establishment of the Inter-American Court of Human Rights, taking as a basis the draft convention prepared by the Inter-American Commission of Human Rights and introducing the improvements that said Conference may deem pertinent.

2. To express the conviction that the approval of said Convention and its ratification by the Member States of the Organization of American States is indispensable for the success of the integration process for the development of Latin America.

3. To request the Secretary General of the Inter-American Bar Association to transmit by cablegram to the President of the Specialized Inter-American Conference on Human Rights the text of paragraphs 1 and 2 of the present Resolution, in view of the urgency of the matter.

### COMMITTEE XIX — FOOD AND DRUG LAW

Resolution 50 on Patents in the Pharmaceutical Field resolves:

1. To recommend the promulgation of laws in the pharmaceutical

field which will grant with the patent a broad protection to the product and to the process.

2. To recommend that in the few cases where the protection is granted in the pharmaceutical field only to the process, it be established as a procedural form that the burden of proof will rest on the violator, thus adopting the recommendations of the AIPPI, ASIPI, BIRPI and the meetings of experts held in Geneva in 1965 and 1966.

Resolution 51 on Harmonization of the Food Legislations of Latin America resolves:

1. To recommend that Committee XIX, with the participation of representatives of the governments, of private industry and of the pertinent professional organizations, continue its studies and promote periodic promulgation, through the medium of the Inter-American Committee, the creation of which was recommended by the XV Conference of the Inter-American Bar Association in San Jose, Costa Rica (Res. 36), of standards which could serve as a basis for an effective harmonization of the food legislations of Latin America.

2. To authorize the President and the Secretary of Committee XIX to send copies of these recommendations to the Pan American Sanitary Bureau and to the proper officials of LAFTA and of the Central American Common Market as well as to the Ministers of Public Health and to the Lawyers' Associations of Latin America.

## COMMITTEE XX — NUCLEAR LAW

Resolution 52 on the Latin American Nuclear Common Market (LANCOM) resolves:

1. To approve the document, presented to this Conference by Committee XX, Nuclear Law, which contains an introduction, a draft treaty to establish the Latin American Nuclear Common Market (LANCOM), and an exposé des motifs.

2. To request the Secretary General of the Inter-American Bar Association, after obtaining from the Chairman of Committee XX a revised text of said document in the light of the deliberations of this XVI Conference, to transmit copies of such revised text to the governments of the Member States of the Organization of American States, to the Inter-American Nuclear Energy Commission, and to other interested international organizations, for their information.

3. To request the Secretary General of the Inter-American Bar Association also to transmit copies of such revised text to the members of the Council and to the national member associations of the Inter-American Bar Association.

Resolution 53 on Support of Activities of the Special Legal Committee of the Inter-American Nuclear Energy Commission resolves:

1. To declare that the activities and work program of the Special Legal Committee of the Inter-American Nuclear Energy Commission are of importance and direct interest to the American States in their development and application of the uses of nuclear energy for peaceful purposes.

2. To recommend to the member associations and individual members of the Inter-American Bar Association that they lend their support to the activities of the said Special Legal Committee, and that they send to the said Committee their comments, suggestions or contributions concerning the topics which are mentioned in the preamble to this resolution.

Resolution 54 on Ratification of or Adherence to International Convention Concerning Civil Liability for Nuclear Damage and the Protection of Persons against Exposure to Ionizing Radiation recommends:

To the member associations of the Inter-American Bar Association that they use their good offices to encourage the governments of their respective countries to ratify or accede to the various conventions concerning the peaceful uses of nuclear energy which are mentioned in the preamble to this Recommendation.

Resolution 55 on Licensing of Nuclear Materials, Equipment and Installations recommends:

To the Inter-American Nuclear Energy Commission that the latter request its Special Legal Committee to include in its program of work a study of appropriate systems and methods of licensing the peaceful uses of nuclear materials, equipment, and installations.

Resolution 56 on the Establishment of National Commissions on Nuclear Matters recommends:

To the governments of the Member States of the Organization of American States which have not yet established national commissions on nuclear affairs as specific administrative agencies that they proceed immediately with the task of creating them.

## MISCELLANEOUS

Resolution 57 on Awards of Medals resolves:

To award the medals of the Association to the persons who should be credited with the success of the Conference, namely, the gold medal of the Association to Dr. Pedro J. Mantellini González (Venezuela), and silver medals to Dr. Felipe S. Casanova (Venezuela) and to the Secretary General, Mr. John O. Dahlgren (USA).

Resolution 58 on a Proposed Nobel Prize for Law resolves:

1. To urge member associations, law professors, and members of legislative bodies, through the National Association of Lawyers of Sweden, to request the Nobel Institute to examine the possibility of creating a Nobel Prize for Law.

2. To request the Secretary General of the Inter-American Bar Association to send a copy of this resolution to the Nobel Institute.

Resolution 59 on Increase in Membership Dues resolves:

That beginning July 1, 1970, dues for individual members be increased as set forth below:

(a) Senior Members ..... \$12.50 per annum

(b) Junior Members ..... 7.50 per annum

Resolution 60 on a Membership Campaign resolves:

1. To initiate a campaign on a large scale to promote individual membership to be financed by a charge to the Special Fund referred to in the following numbered paragraph.

2. To advise the member associations that the Inter-American Bar Association, by resolution adopted by the Council and the General Assembly at this XVI Conference, has set up a Special Fund to finance the membership campaign with funds obtained for this specific purpose from the extraordinary contributions received from institutions dedicated to the proposition of strengthening this Association.

3. To request from the member associations their cooperation in increasing individual memberships, emphasizing especially that this Association would appreciate, as a first step and to the extent possible, individual membership by their respective officers. At the same time, to advise them that they should present their suggested promotional programs

and their respective financing requirements, which will be reviewed in an equitable manner by the Association, taking into consideration all requests, and the funds which would be available annually in the said Special Fund. For this purpose, they are to advise the Secretary General quarterly on the progress and results of the membership campaign and the Treasurer on the use of the funds which may have been put at their disposal.

4. To request of the mentioned member associations their agreement to the designation of a representative of the Association, to be any of the Delegates or a third person, to carry out the tasks of liaison and executive promotion required locally in the membership campaign.

5. To entrust the Membership Committee with the preparation of a membership campaign as referred to in the first paragraph, and an incentive program with its financial requirements, to be submitted to the Council at its next meeting in 1970, on the basis of:

- (a) The establishment of exemptions from dues or terms of payment, either total or partial, as to memberships during one or two years; and
- (b) The offer of complete financial grants or subsidies restricted to travel and maintenance expenses in respect to attendance at meetings of the Association for the benefit of Junior Members or Senior Members not having sufficient funds and worthy of such assistance, to be determined by their respective bar associations or in some other suitable manner. Such incentives as indicated are only enunciative and without prejudice to other measures which may be devised for the purposes mentioned, all of which shall be a grant of power to be applied by the Council, subject to the criteria of suitability and timeliness, and to the financial possibilities of the Special Fund above mentioned.

6. To remind the member associations in a general way that the persons designated to act in the various groups of the Association must be individual members.

7. To send communications to the member associations, through the Secretary General, by individual memoranda directed to each one of them referring expressly to the present resolution.

8. To request the Secretary General and the Treasurer of the Association to inform periodically the Membership Committee briefly on the points set forth in paragraph 5, "in fine".

Resolution 61 on Special Recognition resolves:

1. To thank the distinguished Chilean jurist, Dr. Oscar Dávila, a former President of the Inter-American Bar Association, for his support of this XVI Conference and to reiterate the appreciation of the Association for his generous services as its President between 1943 and 1945, and as President and organizer of the IV Conference of the Association held in Santiago, Chile, in 1945, and for his dedication to justice and to law for many years.

2. To express appreciation to Dr. Nehemias Gueiros, a distinguished Brazilian lawyer and professor of law, former President of the Inter-American Bar Association, for his presence at and support of this XVI Conference and for his outstanding cooperation in carrying out the programs of the Association, especially between its XV and XVI Conferences, and also to express its recognition for his dedication to the development of law and justice.

Resolution 62, *In Memoriam*, resolves:

To express its profound sorrow at the passing of former officers and members of the Inter-American Bar Association and to direct that the resolution be spread upon the records of the Association and a copy thereof be sent to the families of the deceased members and to the bar associations with which they were associated. (*Editor's Note: The above is the substance of the resolution which may be obtained in full from the Inter-American Bar Association.*)

Resolution 63, a Resolution of Appreciation, resolves:

To express its appreciation to the Government of Venezuela, and specifically the President of the Republic and the Minister of Justice, the Federation of Venezuelan Bar Associations, Women's Bar Association of Venezuela, Venezuelan Development Company, National Banking Council, Federation of Chambers of Commerce, Associations of Commerce and Production, National Banking Association, Bar Association of the Federal District, Institute of Social Security for Lawyers, Organizing Committee, the lawyers of Caracas and private businesses, and the Staff of the Secretariat and the national and international press. (*Editor's Note: The above is the substance of the resolution which may be obtained in full from the Inter-American Bar Association.*)



## RESOLUTIONS APPROVED BY THE NEW COUNCIL

November 8, 1969

CARACAS, VENEZUELA

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COMMITTEE I — PUBLIC INTERNATIONAL LAW

Resolution 1 on Prevention and Punishment of Subversive and Terroristic Activities resolves:

To urge the American States urgently to promote the approval of laws to avoid and punish in an effective way the subversive and terroristic activities in the American continent carried out by organizations based on totalitarian systems.

Resolution 2 on Hijacking of Commercial Planes resolves:

1. To request the United Nations and the International Civil Aviation Organization to organize a meeting of experts for the purpose of preparing a draft agreement or convention which will define as common crimes the acts mentioned in the preamble to this resolution.

2. To suggest that the following points, among others, be taken into account:

a) That the domestic legislations of the States punish these acts specifically and severely as common crimes;

b) That the extradition of the perpetrators of these crimes be a reciprocal obligation among the States.

3. To express to the Organization of American States its concern with respect to the continuing highjacking of commercial airplanes and the need to put an end to this crime.

4. To recommend to the governments of the Member States of the Organization of American States which have not done so, to ratify the Tokyo Convention of September 14, 1963 on offenses and certain other acts committed on board aircraft, in order to put an end to this criminal practice of highjacking which constitutes a threat to the life and security of those who use air transportation.

## COMMITTEE IV — MUNICIPAL LAW

Resolution 3 on Laws of City Planning and Territorial Regulation recommends:

1. To the countries of America, that by means of study committees and under the auspices of qualified agencies of public administration, law associations, public law institutes in the law schools, which maintain close contact with other law associations and schools devoted to the study of city planning, they undertake the task of modernizing or adopting laws which contain legal standards and regulations for city planning, with the understanding that it would be desirable that each country have its own urban planning laws and territorial regulation if possible in the nature of an organic law.

2. That said legislation anticipate and seek solutions in accordance with the realities of each country, and that it contain standards and regulations which include at least the following matters:

(a) Territorial regulation of economic activities and its effect on internal and external migrations, as well as on the concentration of population masses in certain areas;

(b) Standards for regulation and establishment of priorities for solving problems of rural and urban disorder which, being forced especially by the technological revolution and the absence of effective systems to avoid or minimize speculation on the value of land, make it difficult or impossible to channel development efforts on the basis of the true interests of the communities;

(c) Standards for planning and advance preparation of areas for future development, including acquisition, at reasonable prices, of the areas needed to provide the citizens with the required community and neighborhood public services;

(d) Standards to control the establishment by marginal elements of the community pseudo-residential (slum) areas which, at best, comply with only the most minimal standards of city planning;

(e) Coordination of national, regional and local planning agencies to establish the required standards for city planning within the framework of a national city planning program.

The execution of the public works aspects of a national city planning program, especially in relation to public roads, should give to local

agencies a sufficient degree of autonomous action to allow the interests and aspirations of the local areas to be taken into consideration in furthering community development policies within the national planning program;

(f) Establishment of systems of consultation through private entities representing the economic, union and labor sectors, where certain plans of marked interest to these entities are concerned;

(g) Establishment of an organization and of an administrative and contentious-administrative procedure to recognize the right of interested parties to defend, by means of speedy remedies, their legitimate interests against administrative acts contrary to law;

(h) Fundamental outlines for standards of limitations on ownership of property having a social function, and especially concerning expropriations for public and social use;

(i) General outlines for the creation by the local administrations of municipal agencies for coordinated city planning services and other public services closely allied to city planning;

(j) Establishment of the requirement that city planning be carried out not only centrally but also through local technical studies and regulatory plans carried out by the municipal urban planning offices in the more important cities, especially those which encompass two or more localities having their own local government and which constitute metropolitan areas; in any case, gratuitous counsel regarding urban planning should be guaranteed by the State to localities without sufficient resources;

(k) Standards for facilities which the administrative agencies at various levels of government could provide to companies or individuals for the solution of the problem of middle-class and low-income housing;

(l) Standards to assure a minimum of green areas, open areas, areas for recreation and sports, and areas for educational and cultural services in general; and

(m) Standards for taxes and rates for city planning and construction, and contributions for improvements and general appreciation resulting from national, regional or municipal works.

#### COMMITTEE X — FISCAL LAW

Resolution 4 on a Model Treaty to Avoid Double Taxation resolves:

1. To approve the model international treaty to avoid the effect of

double taxation submitted by Section A. Taxation of Committee X, based on the draft presented by Dr. Manuel de Juano.

2. To request the Executive Committee of the Association to have copies of this model treaty distributed to the Governments of the American States, to the General Secretariat of the Organization of American States, to the Latin American Free Trade Association and to the Central American Common Market, for use in the future as a background document in the formulation of international treaties on taxation among the American countries.

#### COMMITTEE XIV — ACTIVITIES OF LAWYERS

Resolution 5 on the Interests of the Young Lawyers recommends:

1. That through Section A. Younger Lawyers, of this Committee, a study be made of proposals relating to the condition and aspirations of the young lawyers, defining their interests and suggesting pertinent solutions.

2. That said Section A of this Committee prepare an agenda which will include the treatment of the common objectives of the Committee and implement them through close liaison and permanent contact of their members with similar organizations in each country, under the auspices and control of the member associations of the Inter-American Bar Association.

Resolution 6 on Codes of Professional Ethics recommends:

1. That, even in those countries where the respective laws forbid "Quota Litis", said absolute prohibition be reinforced, in whatever manner may be agreed upon and by whatever action the attorney may take, in lawsuits which involve public policy or the respective social legislation.

2. To all Bar Associations which have not approved the code of standards of conduct of their members, that they adopt the standards in the Code of Professional Ethics of the Venezuelan lawyer.

3. The establishment, in the Faculty of Law of the Catholic University of Puerto Rico, of an Interchange Center of National Codes of Ethics, to which the member associations of the Inter-American Bar Association are requested to forward at least one copy of their Code of Ethics, in order to facilitate the filing and interchange of the same.

Resolution 7 on Social Security and Protection for Lawyers recommends:

1. The establishment, in the Social Provision Fund for Lawyers of the Province of Buenos Aires, of an interchange center of laws and rulings on the security and protection system of the lawyer, requesting that the member associations of the Inter-American Bar Association forward to said center at least one copy of every law or bill on social security and social protection of the lawyer in their respective countries, in order to facilitate the filing and interchange of the same.

2. To the member associations of the Inter-American Bar Association that they request of their respective governments and the corporations in their countries, the employment of lawyers in all such offices or tasks where a special service is rendered that may require the application of judicial rulings or where there are legal problems to solve.

3. That even though a social security system may be approved by law, each bar association seek to adopt a protection and social security system for its members.

4. To the member associations of the Inter-American Bar Association that they request of the universities in their respective countries, the establishment, on a compulsory basis, of a course on Professional Ethics and Deontology.

5. To the universities of the American countries that they include in the programs of their Schools of Law the study of new juridical disciplines, according to the demands and needs of each country, in order to incorporate the lawyer actively into the integration process.

*Resolution 8 on Legal Aid to the Poor recommends:*

1. That, through the member associations of the Inter-American Bar Association, the countries extend the right of defense of the criminally accused to the initial state of the criminal process, making it compulsory for the validity thereof that legal counsel be provided the accused from the very moment the summary investigation is opened.

2. To the member associations of the Inter-American Bar Association that they make a study, on a national level, of the most effective way to contribute to the urgent need to defend the poor in civil and mercantile suits, whether through the contribution of the government to institutions subordinate to the National Bar Associations, or directly to the latter; and that precautions be taken to avoid an imbalance in the

equality of the process for the parties as a result of such defense; and that said study be submitted to the XVII Conference of the Inter-American Bar Association.

## COMMITTEE XV — NATURAL RESOURCES

Resolution 9 on Legislation on Hydrocarbons resolves:

1. To point out the need for special legislation with respect to hydrocarbons within the general complex of natural resources.

2. To point out as a special objective in the formulation of positive law to regulate activities relating to these resources, the attainment of the rationalization of the corresponding processes, rational activity being understood to be that in which all intervenient factors are joined harmoniously and technically, so that acting directly and efficiently they make possible maximum yields and benefits.

3. To point out in the legislation governing this subject the important classification given these resources, which are subject to the sovereignty and laws of the respective nations.

Resolution 10 on A Study of New Laws on Agrarian Reform in the American Nations resolves:

1. That in accordance with the study made of laws relating to agrarian reform in Latin America, it is recommended to the Bar Associations of those countries in which such legislation has been promulgated, as well as those others in which such promulgation has been announced, to carry out the pertinent studies and steps, as well as adopt the measures they may deem appropriate, so that said countries may exclude systems contrary to fundamental principles of law, as is the case of confiscation.

2. That in accordance with this criterion, for the purpose of achieving the objectives sought by such legislation, it is desirable to avoid that the measures in question carry with them or cause a climate unfavorable to production and, on the contrary, cause tensions and even revolts of a social character, harmful from every point of view.

3. That consequently any law intended to achieve the aforementioned aims must, while defending the integrity and economic evolution of each country, grant to the owner or to the investor sufficient guarantees for his work and investment.

And recommends:

a) That the Executive Committee of the Inter-American Bar Association consider the convenience of organizing a seminar for the comparative study of the agrarian reform laws with a view to achieving social improvement and a greater effectiveness in the economic progress of the hemisphere.

b) That this topic continue to be studied in the XVII Conference of the Inter-American Bar Association with a view to achieving the aims to which this Resolution is committed.